

---

---

# SENATE BILL No. 351

---

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-13-2; IC 9-21-3-7.5; IC 9-21-3-11; IC 9-21-4-19.

**Synopsis:** Traffic control devices. Prohibits a person from using a device to alter the lighting sequence of a traffic control signal unless the person is a public safety officer responding to an emergency or a technician installing, testing, or repairing a traffic control signal. Prohibits the sale of such devices to a nongovernmental entity. Makes the use of a counterfeit traffic control device or railroad crossing signal a Class A infraction instead of a Class C infraction.

**Effective:** July 1, 2005.

---

---

### Broden

---

---

January 11, 2005, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

---

---

C  
o  
p  
y



Introduced

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## SENATE BILL No. 351

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 9-13-2-99.7 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2005]: **Sec. 99.7. "Medical, firefighting, or law enforcement  
4 emergency"**, for purposes of IC 9-21-3-7.5, means the following:

5 (1) **A medical condition that requires immediate medical  
6 attention.**

7 (2) **The occurrence of an event or the expected occurrence of  
8 an event that presumably requires immediate firefighting,  
9 medical, or law enforcement attention.**

10 (3) **The commission or the alleged commission of a crime that  
11 requires immediate intervention or investigation by a law  
12 enforcement officer (as defined in IC 35-41-1-17).**

13 SECTION 2. IC 9-13-2-111.5 IS ADDED TO THE INDIANA  
14 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
15 [EFFECTIVE JULY 1, 2005]: **Sec. 111.5. "Nongovernmental entity"**,  
16 **for purposes of IC 9-21-3-7.5, means a person or legal entity that**  
17 **is not the state or a political subdivision.**

2005

IN 351—LS 6919/DI 69+



C  
o  
p  
y

SECTION 3. IC 9-13-2-117.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 117.3. "OPED", for purposes of IC 9-21-3-7.5, means a mobile transmitting device that:**

(1) emits a visible or nonvisible light source or an electronic signal; and

(2) is intended to be used to alter the movement of traffic by changing the sequence or interval on a traffic control signal.

SECTION 4. IC 9-13-2-128 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 128. (a)** "Political subdivision" means a county, a township, a city, a town, a public school corporation, or any other subdivision of the state recognized in any law, including any special taxing district or entity and any public improvement district authority or entity authorized to levy taxes or assessments.

**(b) "Political subdivision", for purposes of IC 9-13-2-111.5, means a county, city, town, or township.**

SECTION 5. IC 9-13-2-144.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 144.2. "Public safety officer", for purposes of IC 9-21-3-7.5, means a:**

(1) law enforcement officer (as defined in IC 35-41-1-17);

(2) certified paramedic;

(3) certified emergency medical technician; or

(4) full-time or volunteer firefighter.

SECTION 6. IC 9-21-3-7.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 7.5. (a)** A person may not knowingly or intentionally use an OPED to change the sequence or interval on a traffic control signal unless the person is:

(1) a public safety officer who is:

(A) a passenger in; or

(B) operating;

an authorized emergency motor vehicle that is responding to a medical, firefighting, or law enforcement emergency; or

(2) a technician in the course of installing, testing, or repairing a traffic control signal.

**(b)** A person may not knowingly or intentionally sell or offer for sale an OPED to a nongovernmental entity.

SECTION 7. IC 9-21-3-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 11. (a)** A person who violates section 7, 8, 9, or 10 of this chapter commits a Class C

C  
o  
p  
y



1       infraction.

2       **(b) A person who violates section 7.5(a) of this chapter commits**  
 3       **a Class A infraction. However, the offense is a Class C**  
 4       **misdemeanor if the person has a prior unrelated judgment for a**  
 5       **violation of section 7.5 of this chapter.**

6       **(c) A person who violates section 7.5(b) of this chapter commits**  
 7       **a Class D felony.**

8       SECTION 8. IC 9-21-4-19 IS AMENDED TO READ AS  
 9       FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 19. **(a) A person who**  
 10       **violates section 4 of this chapter commits a Class A infraction.**  
 11       **However, the offense is a Class C misdemeanor if the person has a**  
 12       **prior unrelated judgment for a violation of section 4 of this**  
 13       **chapter.**

14       **(b) A person who violates section ~~4~~, 5, 6, 16, 17, or 18 of this**  
 15       **chapter commits a Class C infraction.**

16       SECTION 9. [EFFECTIVE JULY 1, 2005] **IC 9-21-3-7.5, as added**  
 17       **by this act, and IC 9-21-3-11 and IC 9-21-4-19, both as amended by**  
 18       **this act, apply only to offenses committed after June 30, 2005.**

**C**  
**O**  
**P**  
**Y**

